



Superior Court of California
County of Kern
Bakersfield Division J

Hearing Date: 06/28/2024

Time: 8:30 AM - 12:00 PM

MARK FRANKLIN ON BEHALF OF HIMSELF, ALL OTHERS SIMILARLY SITUATED ET AL VS DESERT HAVEN
ENTERPRISES

BCV-23-101153

Honorable: Gregory Pulskamp

Clerk: Lucero Rodarte

Court Reporter: . None

Bailiff: Deputy Sheriff

PARTIES:

Present:

DESERT HAVEN ENTERPRISES Defendant, Not Present KOEGLE, BRIAN E Attorney, Present

DESERT HAVEN ENTERPRISES Defendant, Not Present KOEGLE, BRIAN E Attorney, Present

DESERT HAVEN ENTERPRISES, INC. Defendant, Not Present KOEGLE, BRIAN E Attorney, Present

Not Present:

MARK FRANKLIN ON BEHALF OF HIMSELF, ALL OTHERS SIMILARLY SITUATED Plaintiff MARA, DAVID T Attorney

MARK FRANKLIN ON BEHALF OF HIMSELF, ALL OTHERS SIMILARLY SITUATED, AND ON BEHALF OF THE GENERAL PUBLIC Plaintiff MARA, DAVID T Attorney

MARK FRANKLIN, AND ON BEHALF OF THE GENERAL PUBLIC Plaintiff MARA, DAVID T Attorney

Appearance telephonically by courtcall by Attorney Jill Vecchi on behalf of Plaintiff.

Attorney Brian Koegle appeared via audio/video communication on behalf of Defendants.

NATURE OF PROCEEDINGS: MOTION FOR PRELIMINARY APPROVAL OF CLASS AND PAGA ACTION SETTLEMENT, APPROVAL OF CLASS NOTICE, SETTING OF FINAL APPROVAL HEARING DATE; FILED BY PLAINTIFF

Hearing Start Time: 8:58 AM

The above-entitled cause came on regularly on this date and time with parties and/or counsel appearing as reflected above.

All pleadings read and considered by the Court.

Cause heard and submitted.

The Court makes the following findings and orders:

The Court grants Plaintiff's Motion for Preliminary Approval of Class and PAGA Action Settlement, Approval of Class Notice, Setting of Final Approval Hearing Date in accordance with California Rules of Court rule 3.769, Code of Civil Procedure section 382, and Labor Code section 2699(l)(2).

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The settlement appears to be fair, adequate, and reasonable, and "the relief provided for under the PAGA [is] genuine and meaningful, consistent with the underlying purpose of the statute to benefit the public.

The Court grants conditional certification to the proposed class for settlement purposes only. The Court appoints Plaintiff Mark Franklin as Class Representative for settlement purposes, APEX Class Action Administration as claims administrator, and David Mara and Jill Vecchi of Mara Law Firm, PC, and Peter Horton of Lawyers for Employee and Consumer Rights as Class Counsel for settlement purposes. Additionally, the Court approves, as to form and content, Plaintiff's proposed direct-mail notice. The Court directs the mailing of this document, together with a postage-paid return envelope, to the proposed class, and finds that the proposed implementation schedule satisfies the requirements of due process.

The Court sets a final approval hearing at on 10/30/2024 at 8:30 a.m. in Division J.

Proposed order to be signed in due course. Plaintiff shall provide notice of entry of such order.

FUTURE HEARINGS:

October 30, 2024 8:30 AM Final Approval Hearing on Class Action Settlement
Bakersfield Division J
Pulskamp, Gregory

MINUTES FINALIZED BY:

LUCERO RODARTE

ON:

7/2/2024

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